

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) PUC Docket 03-0417  
Application of: )

HAWAIIAN ELECTRIC )  
COMPANY, INC. for )

Approval to commit funds )  
in excess of \$500,000 )  
for Item Y48500, East )  
Oahu Transmission )  
Project. )

**ORIGINAL**

PUBLIC UTILITIES  
COMMISSION

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TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for hearing regarding a Motion to Intervene on behalf of Life of the Land and Palolo Community Council at the Public Utilities Commission, 465 South King Street, Room B-3, Honolulu, Hawaii, commencing at 9:00 a.m., on Thursday, January 29, 2004.

BEFORE: CHAIRMAN CARLITO P. CALIBOSO  
COMMISSIONER WAYNE H. KIMURA  
COMMISSIONER JANET E. KAWELO

CHIEF CLERK: KAREN HIGASHI

REPORTED BY: TINA M. STUHR, RPR, CSR #360  
Notary Public, State of Hawaii

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## 1 APPEARANCES:

2 For Hawaiian  
3 Electric Company: THOMAS W. WILLIAMS, JR, ESQ.  
Goodsill Anderson Quinn & Stifel  
4 1099 Alakea Street  
Suite 1800  
5 Alii Place  
Honolulu, Hawaii 96813

6 For Division of JON ITOMURA, ESQ.  
7 Consumer Advocate: P.O. Box 541  
Honolulu, Hawaii 96809

8 For Life of the HENRY Q CURTIS  
9 Land: 76 North King Street  
Suite 203  
Honolulu, Hawaii 96817

10 For Palolo Community KAREN H. IWAMOTO  
11 Council: 3443 Hardesty Street  
Honolulu, Hawaii 96816

12 For Public Utilities CATHERINE P. AWAKUNI, ESQ.  
13 Commission: 465 South King Street  
Suite 103  
14 Honolulu, Hawaii 96813

15 Also Present: Robbie Alm  
16 Patsy H. Nanbu  
Cheryl Kikuta  
17 Kat Brady

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1           CHAIRMAN CALIBOSO: Good morning. I'd like to call  
2 this proceeding to order. My name is Carlito Caliboso,  
3 Chairman of the Public Utilities Commission. With me are  
4 Commissioners Wayne Kimura and Janet Kawelo.

5           This hearing has convened to hear Life of the Land's  
6 and Palolo Community Council's respective motions to  
7 intervene in Docket No. 03-0417, Hawaiian Electric Company,  
8 Inc.'s application filed on December 18, 2003 for approval  
9 to commit funds in excess of \$500,000 for Item Y48500, East  
10 Oahu Transmission Project.

11           Life of the Land filed its motion to intervene on  
12 January 6, 2004, and Palolo Community Council, which filed  
13 its motion to intervene on January 7, 2004. Each requested  
14 a hearing on its respective motion pursuant to Section  
15 6-61-41(b), Hawaii Administrative Rules.

16           Since Life of the Land filed its motion to intervene  
17 first, let's start with its motion. So, will the  
18 respective representative for Life of the Land please note  
19 his or her appearance?

20           MR. CURTIS: Aloha, Henry Curtis, vice president for  
21 consumer affairs, Life of the Land.

22           CHAIRMAN CALIBOSO: Thank you. Okay. Will counsel  
23 for HECO please note their appearance?

24           MR. WILLIAMS: Good morning, Mr. Chairman,  
25 Commissioners, Thomas Williams representing Hawaiian

1 Electric Company.

2 CHAIRMAN CALIBOSO: Thank you. This morning the  
3 chief clerk distributed a list of the entries for this  
4 docket. If you note any additions or corrections to this  
5 list, please see the chief clerk at your earliest  
6 convenience.

7 MR. ITOMURA: Excuse me, Chairman, would you like the  
8 Division of the Consumer Advocate to make an appearance on  
9 the record?

10 CHAIRMAN CALIBOSO: Yes, please.

11 MR. ITOMURA: Good morning, Chairman Caliboso and  
12 Commissioners, John Itomura, attorney for the Division of  
13 Consumer Advocate, and with me is Cheryl Kikuta, acting  
14 executive director.

15 CHAIRMAN CALIBOSO: Thank you very much. And,  
16 Mr. Curtis and Mr. Williams, are there any other matters  
17 that we should address before we commence the proceedings?

18 MR. WILLIAMS: No, Mr. Chairman.

19 MR. CURTIS: No, Mr. Chairman.

20 CHAIRMAN CALIBOSO: I'll ask Mr. Curtis to begin with  
21 the Movant's intervention.

22 MR. CURTIS: Aloha, Chair Caliboso, Commissioners  
23 Kawelo and Kimura. We appreciate this opportunity to have  
24 had this public hearing. We strongly favor open government  
25 and open hearings.

This would have been the only opportunity to rebut any objection by Hawaiian Electric to our motion for intervention, and therefore, we asked for this hearing principally for that issue; however, since Hawaiian Electric has not objected to our motion for intervention, we thank them, and we have nothing further to add. Mahalo.

CHAIRMAN CALIBOSO: Thank you. Any response by Hawaiian Electric?

MR. WILLIAMS: Mr. Chairman, as stated in our Memorandum, we do not oppose the motion to intervene.

CHAIRMAN CALIBOSO: Thank you. Any questions from the Commissioners?

COMMISSIONER KAWELO: I have some.

## EXAMINATION

BY COMMISSIONER KAWELO:

Q. I would like to know how many members Life of the Land currently has?

A. About a thousand.

Q. About a thousand. And does membership require dues or a contribution?

A. Yes.

Q. And how frequent? Is that an annual contribution?

A. Annual, yes.

Q. So it's a contribution rather than dues?

A. Yes. They're supporters.

1 Q. And -- so, then you have about a thousand that  
2 contribute annually on an ongoing basis?

3 A. Roughly, yes.

4 Q. And how many members comprise your board?

5 A. Ten.

6 Q. And how are they selected?

7 A. It's a self-selected board.

8 Q. Does it change annually?

9 A. Generally not.

10 Q. So my question is, did the currently seated board  
11 authorize Life of the Land's intervention in this docket?

12 A. Yes.

13 Q. And what is your relationship then with Life of the  
14 Land?

15 A. I'm the executive director, except that in the Public  
16 Utilities Commission dockets I have to be an officer, and  
17 therefore, I'm vice president for consumer affairs so I can  
18 be represented here as a non-attorney as the board moved.

19 Q. Okay. In your motion to intervene, you referred to  
20 your energy policy goals and objectives. Were the policy  
21 goals and objectives referred to the current policy goals  
22 and objectives?

23 A. Our energy policy goals and objectives were adopted  
24 by the board in 1979 and had periodically been re-supported  
25 by the board.

1 Q. So -- and they haven't changed at all?

2 A. Not substantially.

3 Q. Okay. I wonder if we might get a copy of those, if  
4 those are available?

5 A. Sure.

6 COMMISSIONER KAWELO: And that ends my questions.  
7 Thank you.

8 EXAMINATION

9 BY COMMISSIONER KIMURA:

10 Q. Along those lines, is Life of the Land registered as  
11 a tax-exempt organization?

12 A. Yes, we are.

13 Q. Okay. Could you kind of describe the decision-making  
14 process of the organization that led to this point where  
15 you've decided -- the organization decided to intervene?

16 A. Energy is a very hot issue. Global warming has the  
17 potential of ending life as we know it on this planet.  
18 Further reliance on fossil fuels is not a win-win situation  
19 for any species, and the board recognizes that.

20 Q. So getting back to my question, what was the  
21 decision-making process for the board to establish this  
22 position to intervene?

23 A. Somebody on the board makes a motion, there's a  
24 discussion, and then there's a vote.

25 Q. Are there minutes of that meeting that we could look



1 at?

2 A. Sure.

3 COMMISSIONER KIMURA: I'd appreciate it, Mr. Chair,  
4 if we could request a copy of those minutes from Life of  
5 the Land.

6 CHAIRMAN CALIBOSO: That's been requested.

7 COMMISSIONER KIMURA: Thank you. That's all the  
8 questions I have.

9 CHAIRMAN CALIBOSO: Before we proceed, does the  
10 counsel for Consumer Advocate have any position or  
11 statement, if any?

12 MR. ITOMURA: Chair and Commissioners, the Division  
13 of Consumer Advocacy did not submit written documents,  
14 however, we take no position.

15 CHAIRMAN CALIBOSO: Thank you very much.

16 Thank you, Mr. Curtis, we will take Life of the  
17 Land's motion to intervene under advisement, and we'll file  
18 a written order on that shortly.

19 If we could turn to Palolo Community Council's motion  
20 to intervene. Good morning.

21 MS. IWAMOTO: Good morning, Chair Caliboso and  
22 members of the Public Utilities Commission. My name is  
23 Karen Iwamoto, and I'm the president of the Palolo  
24 Community Council. It is a nonprofit 501(C)(3)  
25 corporation, and basically it is comprised of members of

1 the community who are concerned with whatever problems we  
2 may have within the community, and we serve as a  
3 clearinghouse in a forum for discussing those issues.

4 We also, like Life of the Land, sent in a petition to  
5 intervene in this case, in this docket, and we have  
6 received word that we also -- there were no objections to  
7 Palolo Community Council's motion to intervene, so I will  
8 leave my remarks there and open for questions.

9 CHAIRMAN CALIBOSO: Thank you. For the record, I  
10 presume, Mr. Williams, that you will continue to represent  
11 Hawaiian Electric in this matter, and I assume the same  
12 with Mr. Itomura for the Consumer Advocate; is that  
13 correct?

14 MR. WILLIAMS: Yes, Mr. Chairman, that's correct.  
15 For the record, I would note that Mr. Alm, senior vice  
16 president of HECO is with us here today.

17 MR. ITOMURA: Mr. Chair, you're correct.

18 CHAIRMAN CALIBOSO: Would Hawaiian Electric like to  
19 make a statement?

20 MR. WILLIAMS: Yes. Thank you, Mr. Chairman. As  
21 stated in our Memorandum in response, HECO does not oppose  
22 the motion to intervene.

23 CHAIRMAN CALIBOSO: Thank you. Would the Consumer  
24 Advocate like to make a statement?

25 MR. ITOMURA: As with Life of the Land, the DCA did

1 not submit any written document, however, we take no  
2 position on this motion.

3 CHAIRMAN CALIBOSO: Thank you very much. The  
4 Commission will take the -- will take Palolo Community  
5 Council's motion under advisement.

6 Just a second. Is there a question from Life of the  
7 Land?

8 MR. CURTIS: There is. Shall I step back up?

9 CHAIRMAN CALIBOSO: You may stay there.

10 MR. CURTIS: I'm just -- Henry Curtis, Life of the  
11 Land. I'm just curious why when we look at the Puna  
12 transmission line fight, when we look at the wa'ahila  
13 transmission line fight, and we look at the Kamoku Pukele  
14 East Oahu Transmission Project, of all the intervenors, we  
15 were the only ones asked about minutes from our board, and  
16 I was just curious why we had that special honor?

17 CHAIRMAN CALIBOSO: I'll refer that to Commissioner  
18 Kimura who asked the question.

19 COMMISSIONER KIMURA: As a matter of fact,  
20 Mr. Curtis, I was going to pose the same questions to the  
21 other organization. So --

22 CHAIRMAN CALIBOSO: I apologize. My fault. I forgot  
23 to give the Commissioners a chance to ask questions on this  
24 motion.

25

## EXAMINATION

BY COMMISSIONER KIMURA:

Q. I would pose the same questions that I posed to Life of the Land. Are you a registered not-for-profit organization?

A. Yes, we are.

Q. And can you briefly describe the decision-making process that your organization went through to take this position to intervene?

A. The decision-making process was left in the hands of the board of directors, and there was a unanimous vote to intervene -- to ask to intervene.

Q. Okay. Could you describe your board of directors?

A. It is comprised of only seven members, but they are representative of the residents in Palolo Valley, some of whom represent organizations, others are just individuals representing their neighborhoods themselves.

Q. Are there -- could you name some of the organizations that are a part of your -- part of your organization?

A. Some of them are community organizations, like the Carlos Long Community Association, the Waiomao Community Association. When I first got on board, I represented the church that I belong to.

COMMISSIONER KIMURA: Okay. Thank you. No further questions, Mr. Chair.

1 CHAIRMAN CALIBOSO: Any other questions  
2 Commissioners?

3 COMMISSIONER KAWELO: I had similar questions.

4 EXAMINATION

5 BY COMMISSIONER KAWELO:

6 Q. How many members comprise the council?

7 A. The council only really consists of seven members  
8 right now.

9 Q. Seven members.

10 A. And intermittently, over the years -- it was started  
11 in 1952, and the original organization was meant to be like  
12 an umbrella organization or organizations, but through the  
13 years, you know, with the different needs of the different  
14 organizations, they sort of dropped by the wayside, but we  
15 still have members from those organizations within our  
16 board of directors.

17 Q. So do all the seven members then represent other  
18 organizations?

19 A. No.

20 Q. Are there any individual members?

21 A. There are individual members. In fact, most of --  
22 two of them represent community associations. Others just  
23 are individuals.

24 Q. But the entire membership is comprised of seven --  
25 seven members?

1 A. Yes. But it is always open to organizations within  
2 the valley. But, you know, over time, there has been  
3 attrition within those organizations, so some of them don't  
4 even exist anymore, but we are currently comprised of  
5 individuals and organizations.

6 COMMISSIONER KAWELO: Thank you, Ms. Iwamoto.

7 CHAIRMAN CALIBOSO: If there's nothing else, the  
8 Commission will take this motion under advisement as well  
9 and will issue an order shortly.

10 Thank you very much. We're adjourned.

11 (The proceedings were concluded at 9:14 a.m.)  
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## C E R T I F I C A T E

I, TINA M. STUHR, RPR, CSR, in and for the State of Hawaii, do hereby certify:

That I was acting as shorthand reporter in the foregoing matter on the 29th day of January, 2004;

That the proceedings were taken down in machine shorthand by me and were thereafter reduced to typewriting under my supervision; that the foregoing represents, to the best of my ability, a correct transcript of the proceedings had in the foregoing matter;

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

DATED: February 7, 2004.



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TINA M. STUHR, RPR, CSR #360  
Certified Shorthand Reporter

<p><b>A</b></p> <p>ability 15:10 about 6:18,19 7:1 11:15 above-entitled 1:12 acting 5:13 15:5 add 6:6 additions 5:4 address 5:17 adjourned 14:10 Administrative 4:15 adopted 7:23 advisement 9:17 11:5 14:8 Advocacy 9:13 Advocate 2:6 5:8,13 9:10 10:12,24 affairs 4:21 7:17 Alakea 2:3 Alii 2:4 Alm 2:15 10:15 Aloha 4:20 5:22 Along 8:10 always 14:1 Anderson 2:3 annual 6:22,23 annually 7:2,8 anymore 14:4 apologize 11:22 appearance 4:19,23 5:8 APPEARANCES 2:1 application 1:4 4:8 appreciate 5:23 9:3 approval 1:7 4:8 asked 6:3 11:15,18 Association 12:21,22 associations 13:22 assume 10:11 attorney 5:12 attrition 14:3 authorize 7:11 available 8:4 AWAKUNI 2:12 a.m 1:14 14:11</p>	<p>Box 2:6 Brady 2:16 briefly 12:7 B-3 1:13</p> <p><b>C</b></p> <p>C 15:1,1 caliboso 1:16 4:1,2,22 5:2,10,11,15,20,22 6:7,11 9:6,9,15,21 10:9,18,23 11:3,9,17 11:22 13:1 14:7 call 4:1 came 1:12 caption 15:14 carlito 1:16 4:2 Carlos 12:21 case 10:5 CATHERINE 2:12 cause 15:14 Certified 15:20 certify 15:4,12 Chair 5:22 9:3,12,21 10:17 12:25 chairman 1:16 4:1,3,22 4:24 5:2,7,10,11,15 5:18,19,20 6:7,9,11 9:6,9,15 10:9,14,18 10:20,23 11:3,9,17,22 13:1 14:7 chance 11:23 change 7:8 changed 8:1 Cheryl 2:16 5:13 chief 1:18 5:3,5 church 12:23 clearinghouse 10:3 clerk 1:18 5:3,5 commence 5:17 commencing 1:14 commission 1:1,13 2:13 4:3 7:16 9:22 11:4 14:8 commissioner 1:16,17 3:3,4,7,7 6:13,15 8:6 8:9 9:3,7 11:17,19 12:2,24 13:3,5 14:6 Commissioners 4:4,25 5:12,22 6:12 9:12 11:23 13:2 commit 1:7 4:9 community 1:13 2:10 3:5 4:6,12 9:19,24 10:1,2,7 11:4 12:20 12:21,21 13:22 company 1:6 2:3 4:7 5:1</p>	<p>comprise 7:4 13:6 comprised 9:25 12:14 13:24 14:4 concerned 10:1 concluded 14:11 consists 13:7 consumer 2:6 4:21 5:8 5:13 7:17 9:10,13 10:12,23 continue 10:10 contribute 7:2 contribution 6:20,22 6:24 convened 4:5 convenience 5:6 copy 8:3 9:4 corporation 9:25 correct 10:13,14,17 15:10 corrections 5:4 council 1:13 2:11 4:12 9:24 13:6,7 council's 3:5 4:6 9:19 10:7 11:5 counsel 4:22 9:10 15:12 CSR 1:19 15:3,19 curious 11:11,16 current 7:21 currently 6:17 7:10 14:4 curtis 2:8 3:3 4:20,20 5:16,19,20,22 9:16 11:8,10,10,20</p>	<p>documents 9:13 down 15:7 dropped 13:14 dues 6:19,24</p> <p><b>E</b></p> <p>E 1:17 3:1 15:1,1 Each 4:13 earliest 5:5 East 1:8 4:9 11:14 electric 1:5 2:3 4:7 5:1 6:2,5,8 10:11,18 ending 8:17 ends 8:6 energy 7:20,23 8:16 entire 13:24 entries 5:3 ESQ 2:2,6,12 establish 8:21 even 14:4 examination 3:3,4,7,7 6:14 8:8 12:1 13:4 except 7:15 excess 1:7 4:9 Excuse 5:7 executive 5:14 7:15 exist 14:4</p>	<p>Good 4:1,24 5:11 9:20 9:21 Goodsill 2:3 government 5:24</p> <p><b>H</b></p> <p>H 1:16 2:10,15 hands 12:10 Hardesty 2:11 hawaii 1:2,14,19,23 2:5 2:7,9,11,14 4:15 15:4 hawaiian 1:5 2:2 4:7,25 6:2,4,8 10:11,18 hear 4:5 hearing 1:12 4:5,14 5:24 6:3 hearings 5:25 HECO 4:23 10:16,21 henry 2:8 3:3 4:20 11:10 her 4:19 hereto 15:13 HIGASHI 1:18 Honolulu 1:13,23 2:5,7 2:9,11,14 honor 11:16 hot 8:16</p>
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